



*AFZM*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of  
August, et al.

Art Unit: 2141

Application No.: 09/653,810

Examiner: Le Hien Luu

Filed: September 1, 2000

Docket No.: LUTZ 2 00034  
August 26-9-50

For: **AN INFORMATION AND COMMUNICATION SYSTEM**

MAIL STOP Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF  
REPLACEMENT APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Dear Sir:

Responsive to the Notification of Non-Compliant Appeal Brief that was mailed on November 28, 2006, and a related telephone conference with the Examiner that was held on December 7, 2006, Applicants transmit herewith one (1) originally signed copy of REPLACEMENT APPEAL BRIEF UNDER 37 C.F.R. § 41.37 for the above-reference patent application.

Payment in the amount of \$500.00 for the filing of the related Appeal Brief was previously made.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

*December 11, 2006*  
Date

*Joseph D. Dreher*  
Joseph D. Dreher, Reg. No. 37,123  
Thomas Tillander, Reg. No. 47,334  
1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

CERTIFICATE OF MAILING

- I certify that this Replacement Appeal Brief Under 37 C.F.R. 1.136(a) and accompanying document(s) are being
- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: MAIL STOP Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
  - ☐ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.
  - ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to: MAIL STOP Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature <i>Iris E. Weber</i>
Date <i>December 11, 2006</i>	Printed Name Iris E. Weber



PATENT APPLICATION

THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

August, et al.

Art Unit: 2141

Application No.: 09/653,810

Examiner: Le Hien Luu

Filed: September 1, 2000

Docket No.: LUTZ 2 00034  
August 26-9-50

For: **AN INFORMATION AND COMMUNICATION SYSTEM**

REPLACEMENT

BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Responsive to Notification of Non-Compliant Appeal Brief  
and the Telephone Conference with the Examiner held December 7, 2006

Appeal from Group 2141

Joseph D. Dreher, Esq., Reg. No. 37,123  
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 Superior Avenue – Seventh Floor  
Cleveland, Ohio 44114-2579  
Telephone: (216) 861-5582  
Attorneys for Appellants

CERTIFICATE OF MAILING OR TRANSMISSION	
<p>I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being</p> <p><input checked="" type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.</p> <p><input type="checkbox"/> transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.</p>	
Express Mail Label No.:	Signature: <i>Irish E. Weber</i>
Date: <i>December 11, 2006</i>	Name: Iris E. Weber

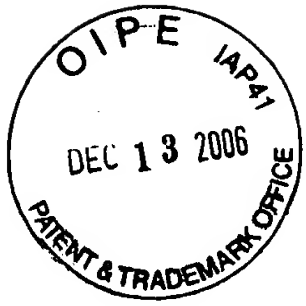


TABLE OF CONTENTS

	<u>Page</u>
I. REAL PARTY IN INTEREST .....	1
II. RELATED APPEALS AND INTERFERENCES .....	1
III. STATUS OF CLAIMS .....	1
IV. STATUS OF AMENDMENTS .....	2
V. SUMMARY OF CLAIMED SUBJECT MATTER.....	2
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL .....	8
VII. ARGUMENT .....	8
VIII. CLAIMS APPENDIX .....	18
IX. EVIDENCE APPENDIX .....	24
X. RELATED PROCEEDINGS APPENDIX.....	25



This Appeal Brief is in furtherance to the Notice of Appeal that was mailed to the U.S. Patent and Trademark Office on July 24, 2006, in regard to the above-referenced patent application.

The fees required under 37 C.F.R. §1.17 and any required petition for extension of time for filing this brief and fees therefor are addressed in the accompanying transmittal of Appeal Brief.

Appellant files this Appeal Brief in connection with the above-identified application wherein **claims 1-17** were rejected, **claim 18** was withdrawn (with traversal) and **claims 19 and 20** were refused entry.

#### I. REAL PARTY IN INTEREST

The real party in interest in this Appeal is the Assignee (Lucent Technologies, Inc., 600 Mountain Avenue, Murray Hill, New Jersey 06974-0636, U.S.A.).

#### II. RELATED APPEALS AND INTERFERENCES

Currently, it is believed that there are no other appeals or interferences in process or pending before the U.S. Patent and Trademark Office which the present application bases its priority from, or any cases which base their priority upon the present application, that will directly affect, or will be directly affected by, or will have a bearing on the Board's decision in this Appeal.

#### III. STATUS OF CLAIMS

The status of the claims set forth in the Final Office Action mailed March 24, 2006 was as follows:

Rejected:	1-17
Withdrawn:	18 (with traversal and petition)

The present appeal is directed specifically to claims 1-18.

#### IV. STATUS OF AMENDMENTS

An amendment (Amendment D (After Final)) traversing the withdrawal of **claim 18**, asserting that the finality of the previous rejection was premature, asserting that the previous rejection was incomplete and offering new dependent **claims 19** and **20** for consideration, was refused entry. The Advisory Action, which was mailed on June 14, 2006, indicates that the Amendment was refused entry for including new **claims 19** and **20** because they include subject matter that is being restricted. In a subsequent telephone conference, during which the submission of an amendment without claims 19 and 20 was proposed, the Examiner indicated that Amendment D was also refused entry because an amendment to **claim 1** to include the phrase --designated by the user-- raised new issues and would require a new search.

Additionally, a Petition for Withdrawal of Restriction directed to the withdrawal of **claim 18** was filed on June 24, 2006. The Applicants have not received a response to this petition.

#### V. SUMMARY OF CLAIMED SUBJECT MATTER

By way of brief review, the present application is directed to an information and communication system that can use a web page like environment, referred to as a "Personal Space", to integrate a plurality of communication and monitoring functions. The system can link and automate enterprise components. Communication services are accessed through a wide variety of devices and are facilitated by the personal space. Databases are built and used to customize user services. User profiles and system use patterns are compared and analyzed to continuously improve system performance (Abstract).

The system may be provisioned to provide information to, for and about the user, about, for and to associates of the user. For example, a relationship database includes entries for associates of the user, including individuals and organizations that the user wishes to grant access to portions of the personal space. The relationship database may include entries that describe portions of the personal space each associate may have access to, as well as any passwords, encryption methods and similar security information associated with each associate (e.g., page 20, line 36 - page 21, line 3).

For instance, a heart monitor may gather data about the function of a user's heart. The user can authorize delivery of this information to associates of the user, for example, a medical system, medical professional or a family member. The information can be presented to the selected associate either as a report, a message or through, for example, an icon or other metaphor that is accessed when the selected person browses the personal space. In one configuration, the user has a personal space. The user's son has a second personal space. The user can authorize the son to view the status of the heart monitor.

In another configuration, the user has a personal space but a physician of the user does not have a personal space. The user can authorize a report of heart function to be sent to the physician, or a healthcare entity via an email, fax or other means (page 16, line 6 - page 17, line 4).

In another example, an associate of the user might be a merchant. The user might give permission for a merchant to access the user's personal space to retrieve transaction information, such as shipping information, a credit card number and an expiration date. For instance, the merchant may collect the transaction information via a mechanism referred to as an information pull (page 9, line 37 - page 10, line 2).

A more extensive summary of the present application can be found on pages 6 and 7 of Applicants' Supplemental Amendment after Amendment A, which was submitted to the Office by a facsimile transmission on July 14, 2004.

For example, as expressed in **claim 1**, the present application is related to an enterprise information and communication system (see each of FIG. 1 - FIG. 4) comprising at least one database (e.g., **310, 338**; page 6, lines 28-35; page 7, lines 20-23; page 11, lines 1-9, lines 28-30; page 12, lines 15-37; page 13, lines 13-35; page 14, lines 25-29; page 15, lines 16-19; page 16, lines 12-16; page 17, lines 19-22; page 18, lines 30-33; page 20, line 34 - page 21, line 7; page 26, lines 5-12, lines 26-28, lines 35-37; page 27, lines 5-11, lines 17-19), a transaction management engine operative to manage transaction information and move the transaction information to and from the database (**366**; page 2, lines 27-36; page 11, line 3 - page 12, line 19; page 21, lines 31-38; page 25, line 37 - page 26, line 12), an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user and information regarding the user to which the at least one user and associates have shared access, to provide permission for accessing the information regarding the user to the user and associates of the user and to deny permission for accessing the information regarding the user to others (**334**; page 2, line 25, lines 29-32; page 11, lines 3-28; page 12, lines 20-29; page 20, line 34 - page 21, line 7; page 25, line 39 - page 27, line 4), an information mining engine operative to sort information within the at least one database and to locate information stored on remote devices (**362**; page 11, lines 3-9; page 12, lines 37-39; page 13, lines 15-35; page 13, line 38 - page 14, line 29; page 21, lines 31-38; page 22, line 36 - page 23, line 3; page 25, lines 18-21; page 25, line 39 - page 26,

line 28; page 27, lines 11-21), and an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices (370; page 2, lines 24-36; page 11, lines 3-9; page 12, lines 30-35; page 15, line 5 - page 16, line 5; page 22, lines 29-35; page 25, line 29 - page 26, line 5; page 26, line 21 - page 27, line 11).

As indicated in **claim 1** (and the specification) the transaction management engine is operative to manage transaction information and move transaction information to and from the database. The access management engine maintains security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user and information regarding the user to which the at least one user and associates have shared access. Additionally, the access management engine provides permission for accessing the information regarding the user to the user and associates of the user and to deny permission for accessing the information regarding the user to others. The information mining engine is operative to sort information within the at least one database and to locate information stored on remote devices. The input control engine is operative to maintain and use device drivers accepting and managing input from the user through the associated devices.

Recently submitted **claim 18**, which was withdrawn by the Examiner, recites subject matter similar to that recited in **claim 1** except that the transaction management engine additionally recites: --the management of transaction information including at least one of sending electronic bill pay information to a vendor or service provider, monitoring email traffic in anticipation of an arrival of a bill, correlating a bill with calendar events, thereby associating the bill with an appropriate book keeping category,



preparing portions of expense vouchers, allowing a user to group items together as a transaction, automatically connecting entities into a representation of a transaction, tracking sessions, correlating a plurality of session together, using configuration management techniques to complete a view of a transaction and/or session element, providing a view of incomplete transactions to a user, allowing a user to update an element in a transaction and providing for the labeling of received messages as belonging to one or more transaction or one or more transaction type-- (page 11, line 28 - page 12, line 19) and the access management engine is described as being operative to hold records of the at least one user and associates of the user and information to which the at least one user and associates have shared access and to provide permission for accessing the at least one database (**334**; page 2, line 25, lines 29-32; page 11, lines 3-28; page 12, lines 20-29; page 20, line 34 - page 21, line 7; page 25, line 39 - page 27, line 4).

It is respectfully submitted that during telephone conferences and in voicemail messages of August 2005, and again in the Advisory Action mailed June 14, 2006, the Examiner indicated that subject matter from page 11, line 28 - page 12, line 19, was not included in the primary reference being cited against the claims of the present application (Bull). It is respectfully submitted that subject matter included in the recitation of the transaction management engine of withdrawn **claim 18** is supported by page 11, line 28 - page 12, line 19.

Independent **claim 12** recites an enterprise information and communication system (each of FIG. 1 - FIG. 4) as including at least one database (e.g., **310**, **338**; page 6, lines 28-35; page 7, lines 20-23; page 11, lines 1-9, lines 28-30; page 12, lines 15-37; page 13, lines 13-35; page 14, lines 25-29; page 15, lines 16-19; page 16, lines

12-16; page 17, lines 19-22; page 18, lines 30-33; page 20, line 34 - page 21, line 7; page 26, lines 5-12, lines 26-28, lines 35-37; page 27, lines 5-11, lines 17-19), an information pusher operative to send information from the at least one database to at least one provisioned recipient based on at least one provisioned event (e.g., **226**), an information puller operative to request information from other systems to be stored, at least temporarily in the at least one database (e.g., **230**), an information sender operative to supply information from the at least one database, requested in an information pull from outside the enterprise information system (e.g., **234**), and an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system (e.g., **238**) (page 9, line 14 - page 10, line 34; page 18, line 38 - page 19, line 4; page 23, lines 28-30).

**Claims 2-11** depend from **claim 1**. For example, **claim 3** recites a time management engine. The time management engine is operative to maintain control of time sensitive events and information in the at least one database and to generate messages regarding time sensitive information (**374**; page 11, lines 3-9; page 11, lines 10-27; page 13, lines 15-19; page 14, lines 21-25, lines 30-32; page 25, line 39 - page 26, line 5).

**Claim 4** recites an information translation engine. The information translation engine is operative to present information from, and to accept information for, the at least one database via the associated devices (**440**; page 11, lines 3-9; page 12, lines 32-35; page 14, line 33 - page 15, line 4; page 25, line 39 - page 26, line 5, line 21-26, line 29-34, line 37 - page 37, line 21).

**Claim 5** recites a provisioning engine. The provisioning engine is operative to accept, store and coordinate information and communication system configuration information (322; page 11, lines 3-9, lines 36-39; page 13, line 36 - page 14, line 16; page 18, lines 1-8; page 20, line 29 - page 21, line 7).

**Claim 6** recites a control. The control is operative to negotiate and allocate information and communication system resources (224; page 9, lines 18-20; page 10, lines 17-22; page 14, lines 30-32).

#### VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether **claims 1-17** are anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 5,901,287 to Bull, et al. ("Bull").

Whether **claim 18** is properly withdrawn from consideration.

#### VII. ARGUMENT

In stark contrast to the subject matter claimed in the present application, the primary reference of the Office Action to Bull does not disclose or suggest providing information to, for and about a user about, for and to associates of the user. Instead, Bull allegedly discloses an information aggregation and synthesis process and system which allegedly includes at least six different aspects or functional components which are related (column 3, line 12-22). The six aspects of the information aggregation and synthesis system are: I. URL munging, II. WWW CD-Rom, III. Software Agent Advertising, IV. Automated Profile Generation, V. Automated Lead Generation and VI. Software Agent Unmet Needs Generation.

It is respectfully submitted the information aggregation and synthesis system of Bull is directed toward advertising and lead generation based on searching and internet

activity of a system user. Bull does not disclose or suggest communication services for simplifying communication between a user and **associates** of a user.

**The Claims are not Anticipated**

It is respectfully submitted that claims 1-17 of the present application are not anticipated by Bull. For example, as presented in Applicants' Amendment C, which was mailed on November 23, 2005, claim 1 recites:

An enterprise information and communication system comprising:

at least one database;

a transaction management engine operative to manage transaction information and move the transaction information to and from the database;

an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one **user and associates of the user** and information regarding the **user to which the at least one user and associates have shared access**, to provide permission for accessing the information regarding the **user to the user and associates of the user** and to deny permission for accessing the information regarding the user to others;

an information mining engine operative to sort information within the at least one database and to locate information stored on remote devices; and,

an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices.

In explaining the rejections of the claims, the Office Actions equate the **advertisers** of Bull, which receive reports about computer activity of a user, with the

associates recited, for example, in the highlighted portions of **claim 1**. It is respectfully submitted that this represents an error.

Webster's unabridged dictionary, copyright 2000, defines an associate as follows:

Main Entry:3associate

Pronunciation:\*

Function:noun

Inflected Form:-s

1 : one associated with another: a : **one who shares with another an enterprise, business, or action : a fellow worker : PARTNER** \*the chemist and his associates finally completed their experiment\* b : **one who shares with another an office or position of authority : COLLEAGUE** \*they were associates on the bench for 20 years\* c : **one who is frequently in company with other : COMPANION, COMRADE** \*his most intimate associate during his college years\*

2 : **something that is closely connected with or that usually accompanies another** : ACCOMPANIMENT, CONCOMITANT; especially : a word or concept linked to another by association \*no sooner at any time comes into the understanding but its associate appears the understanding but its associate appears with it John Locke\*

3 a : an officer of the superior common-law courts in England b : a member of a learned society or academy ranking below a fellow \*an associate of the Royal Academy\* c : a research worker or teacher affiliated with a college, university, or some other professional organization or institution and ranking below a fellow \*an associate of the Royal Academy\* c : a research worker or teacher affiliated with a college, university, or some other professional organization or institution and ranking below a professor or full member \*research associate in anthropology\* \*associate in German\* \*associate in medicine\* 4 often capitalized a : a degree conferred by a junior college upon its graduates \*associate in arts\* b : a degree or title granted by some colleges and universities to students who finish a course that is complete in itself but shorter than that leading to a bachelor's degree

It is respectfully submitted that one of ordinary skill in the art would understand that the **advertisers of Bull are not associates of the user** as the term --associate-- is used in the present application.

Additionally, it is respectfully submitted that Bull does not disclose an access management engine including at least the functionality highlighted in **claim 1** above. For instance, in support of the assertion to the contrary, the Final Office Action mailed March 24, 2006 directs the attention of the applicants to user profile datastore 210 and

portions of columns 6 and 7, column 8, column 10, column 11 and column 14 of Bull. However, as explained in greater detail beginning at the bottom of page 7 and continuing through page 10 of Applicants' Amendment C (mailed on November 23, 2005) and, for example, on page 10 of Applicants' Amendment D (mailed on May 2, 2006), the applicants have reviewed the cited portions of Bull and have been unable to locate a disclosure or a suggestion of **a user and associates of a user having shared access to information stored in a database of an enterprise information and communication system.**

Further in regard to shared access, the Office Action directs the attention of the Applicants to various portions of columns 6, 7 and 8. However, as discussed in greater detail in Applicants' Amendment C (mailed on November 23, 2005), column 6, lines 25-36, of Bull list five phases of operation of the invention of Bull including initial set-up for user, initial set-up for advertisers and lead generation, ongoing maintenance, user session and post-session activity. Column 6, lines 37-56, discuss screening and datasources for relevance, quality of information and appropriateness and indexing these using a text indexing software tool. Column 6, line 57 - Column 7, line 20, is related to initial set-up for advertisers and lead generation. Advertisers, using a user accessing system, enter criteria that should be met for an advertisement/coupon placement. Similar criteria are entered for lead generation. Column 7, lines 21-37, is directed to ongoing maintenance and explains that local datastores and network accessible datastores will change randomly and will become out of synchronization with a system index datastore. Accordingly, the index is updated periodically. Column 7, lines 38-57, is related to a user session and explains that users using the user access system access an information aggregation and synthesis system through the internet or

other public or private network. Users log on to the system and are presented with a variety of options to create or update profile information in the user profile datastore. Column 8, lines 59-64, describe an advertising report wherein information about each ad coupon appended to an information aggregation and synthesis system along with known information about the user is stored in the advertising activity datastore. This report is output periodically to the advertisers/couponers using an IO system. It is respectfully submitted that this description of information made available to advertisers or couponers does not disclose or suggest users and associates of a user having shared access to information stored in the database of an enterprise information and communication system.

Further in regard to shared access, and as discussed in greater detail on page 10 of Applicants' Amendment D (after Final), which was mailed on May 2, 2006, but which was refused entry, a portion of Bull cited for the first time in the Final Office Action (i.e., column 8, lines 23-58) indicates that during a session, ads/coupons are inserted along side display data based on ad/coupon insertion agents. The inserted information is inserted by a session management agent. A record of the insertion is stored in an advertising activity datastore along with appropriate user information. However, it is respectfully submitted that advertisers and couponers are not associates (see definition of associates above) of a user and it is respectfully submitted that disclosure of providing a report based on information from a datastore to advertisers/couponers does not disclose or suggest users and associates of a user having shared access to information in a database.

Column 10, lines 35-38, of Bull summarize the kind of information included in a user profile datastore. It is noted that the user profile datastore of Bull does not include

a list of associates. Moreover, the user profile datastore does not include a designation of associated advertisers/couponers or lead purchasers. It is respectfully submitted that this is a further indication that the advertisers and couponers of Bull are not associated with, or fairly construed to be, associates of the user of Bull.

Column 11, lines 11-14, indicates that the advertising activity datastore is a "record or ads presented by the Ad/Coupon Insertion System and information about the user seeing the ads and the Browsing Activity Datastore and the user profile datastore." However, column 11, lines 11-14, do not disclose or suggest that the user and advertisers have shared access to this information.

Column 14, lines 11-32, indicate that the automated lead generation aspect of the system of Bull will analyze a users profile and session looking activity against a profile established by a supplier. When this profile is approximately matched, the supplier is notified so it can contact the user to offer goods or services. However, advertisers and couponers are not associates of a user and it is respectfully submitted that disclosure of this notification does not disclose or suggest an access management engine providing a user and associates of a user shared accessed to information regarding the user.

For at least the foregoing reasons, it is respectfully submitted that **claim 1**, as well as **claims 2-11**, are not anticipated by Bull and appeal from the decision of the Examiner is respectfully requested.

**Claims 12-17** were rejected under the same rationale as **claims 1-11**. In this regard, arguments similar to those submitted in support of **claims 1-11** are submitted in support of **claims 12-17**.



Additionally, **claim 12** recites an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system. It is respectfully submitted that Bull does not disclose or suggest that information is pushed at the information and communication system from outside the information and communication system, or that such information is reviewed and possibly stored (i.e., based on the review) by an information receiver.

In this regard, the Reply to Argument Section (i.e., Section 12) on page 6 of the Final Office Action appears to assert that the user of Bull is analogous to the information receiver operative to review and possibly store information recited as a system component of the enterprise information and communications system recited in **claim 12** of the present application. However, it is respectfully submitted that **disclosure of the "user" of Bull is not fairly construed as disclosure of a system component**. It is respectfully submitted that the information receiver recited in **claim 12** of the present application is clearly for relieving the user from having to review undesired information.

For at least the foregoing reasons, it is respectfully submitted that **claim 12**, as well as **claims 13-17**, which depend therefrom, is not obvious in light of Bull and appeal from the decision of the Examiner is respectfully requested.

#### **The Withdrawal of Claim 18 is Improper**

The Final Office Action asserts that newly submitted **claim 18** is independent or distinct from the invention originally claimed because of recitation related to a transaction management engine.

However, newly submitted **claim 18** and originally submitted **claim 1** both recite an enterprise information and communication system comprising *inter alia*: a transaction management engine operative to manage transaction information and move the transaction information to and from the database.

With regard to the recitation of a transaction management engine, **claim 18** differs from **claim 1** only in that **claim 18** further indicates that the management of transaction information includes at least one of sending electronic bill pay information, monitoring email traffic, preparing portions of expense vouchers, automatically connecting entities into a representation of a transaction, tracking sessions, correlating a plurality of sessions and allowing a user to update an element.

In this regard, it is respectfully submitted that the portion of newly submitted **claim 18**, objected to by the Office Action as causing newly submitted **claim 18** to be independent or distinct from the invention originally claimed, could have been submitted as a dependent claim to **claim 1**. Indeed, in an effort to make this point, this subject matter was presented for the first time as new dependent **claim 19** in Applicants' Amendment D, which was refused entry.

In this regard, it is respectfully submitted that the transaction management engine recited in **claim 18** might be considered a combination including the subcombination of the transaction management engine of **claim 1**. Further in this regard, "where a combination as claimed sets forth the details of the subcombination as separately claimed, there is no evidence that the combination AB is patentable without the details of B. Therefore, the inventions are not distinct and a requirement for restriction must not be made or maintained" (MPEP 806.05(C)).

Inventions as claimed are independent if there is no disclosed relationship between the inventions, that is, they are unconnected in design, operation and effect (MPEP 806.06). Clearly, there is a disclosed relationship between **claim 18** and **claim 1**. Therefore, **claim 18** and **claim 1** are not independent.

Since **claim 18** and **claim 1** as originally filed are not independent or distinct, it is respectfully submitted that the restriction or withdrawal of **claim 18** is improper. Accordingly, reinstatement of **claim 18** and prosecution on the merits of **claim 18** are respectfully requested.

For at least the foregoing reasons, it is respectfully submitted that the withdrawal of **claim 18** was improper and appeal from the Examiner's decision to withdraw **claim 18** is respectfully requested.

**CONCLUSION**

In view of the above, the Appellants respectfully submit that **claims 1-18** are not anticipated and are not obvious in light of the cited references. Accordingly, it is respectfully requested that the Examiner's rejections and the withdrawal of **claim 18** be reversed.

Respectfully submitted,

December 11, 2006

Date



Joseph D. Dreher  
Registration No. 37,123

Thomas Tillander  
Registration No. 47,334

:iew

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 Superior Avenue – Seventh Floor  
Cleveland, Ohio 44114-2579  
Telephone: (216) 861-5582

Filed:

**APPENDICES**

VIII. CLAIMS APPENDIX

Claims involved in the Appeal are as follows:

1. (Previously Presented) An enterprise information and communication system comprising:

at least one database;

a transaction management engine operative to manage transaction information and move the transaction information to and from the database;

an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user and information regarding the user to which the at least one user and associates have shared access, to provide permission for accessing the information regarding the user to the user and associates of the user and to deny permission for accessing the information regarding the user to others;

an information mining engine operative to sort information within the at least one database and to locate information stored on remote devices; and,

an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices.

2. (Original) The enterprise information and communication system of claim 1 further comprising a profile manager operative to store and analyze information in the at least one database about the at least one user and about devices associated with the system.

3. (Previously Presented) The enterprise information and communication system of claim 1 further comprising a time a management engine operative to maintain control of time sensitive events and information in the at least one database and to generate messages regarding time sensitive information.

4. (Previously Presented) The enterprise information and communication system of claim 1 further comprising an information translation engine operative to present information from and to accept information for the at least one database via the associated devices.

5. (Previously Presented) The enterprise information and communication system of claim 1 further comprising a provisioning engine operative to accept, store and coordinate information and communication system configuration information.

6. (Previously Presented) The enterprise information and communication system of claim 1 further comprising a control operative to negotiate and allocate information and communication system resources.

7. (Previously Presented) The enterprise information and communication system of claim 1 further comprising:

a central communications device operative to access the at least one database and at least one of the transaction management engine, access management engine, and for communicating with a local network.

8. (Previously Presented) The enterprise information and communication system of claim 7 further comprising:

a plurality of output devices linked to the central communications device.

9. (Previously Presented) The enterprise information and communication system of claim 7 further comprising:

a plurality of input devices linked to the central communications device.

10. (Previously Presented) The enterprise information and communication system of claim 8 wherein the plurality of output device further comprises:

at least one of a display, a monitor, a television, an audio speaker and speaker driving system, a computer, a palm top, a telephone, an electronic toy, a cell phone, a baby monitor and a lap top computer.

11. (Previously Presented) The enterprise information and communication system of claim 9 wherein the plurality of input device further comprises:

at least one of a keyboard, a microphone, a position sensor, a computer, a palm top, a telephone, an electronic toy, a cell phone, a refrigerator data pad, a baby monitor, a global positioning system receiver and a lap top computer.

12. (Previously Presented) An enterprise information and communications system comprising:

at least one database;

an information pusher operative to send information from the at least one database to at least one provisioned recipient based on at least one provisioned event;

an information puller operative to request information from other systems to be stored, at least temporarily in the at least one database

an information sender operative to supply information from the at least one database, requested in an information pull from outside the enterprise information system and,

an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system.

13. (Previously Presented) The enterprise information and communication system of claim 12 further comprising:

a central communications device operative to access the at least one database and for communicating with a local network.

14. (Previously Presented) The enterprise information and communication system of claim 13 further comprising:

a plurality of output devices linked to the central communications device via the local network.

15. (Previously Presented) The enterprise information and communication system of claim 13 further comprising:



a plurality of input devices linked to the central communications device via the local network.

16. (Previously Presented) The enterprise information and communication system of claim 14 wherein the plurality of output device further comprises:

at least one of a display, a monitor, a television, an audio speaker and speaker driving system, a computer, a palm top, a telephone, an electronic toy, a cell phone, a baby monitor and a lap top computer.

17. (Previously Presented) The enterprise information and communication system of claim 15 wherein the plurality of input device further comprises:

at least one of a keyboard, a microphone, a position sensor, a computer, a palm top, a telephone, an electronic toy, a cell phone, a refrigerator data pad, a baby monitor, a global positioning system receiver and a lap top computer.

18. (Withdrawn) An enterprise information and communication system comprising:

at least one database;

a transaction management engine operative to manage transaction information and move the transaction information to and from the database, the management of transaction information including at least one of sending electronic bill pay information to a vendor or service provider, monitoring email traffic in anticipation of an arrival of a bill, correlating a bill with calendar events, thereby associating the bill with an appropriate book keeping category, preparing portions of expense vouchers, allowing a

user to group items together as a transaction, automatically connecting entities into a representation of a transaction, tracking sessions, correlating a plurality of session together, using configuration management techniques to complete a view of a transaction and/or session element, providing a view of incomplete transactions to a user, allowing a user to update an element in a transaction and providing for the labeling of received messages as belonging to one or more transaction or one or more transaction type;

an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user and information to which the at least one user and associates have shared access and to provide permission for accessing the at least one database; an information mining engine operative to sort information within the at least one database and to locate information stored on remote devices; and,

an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE